

REMARKS/ARGUMENTS

Applicants appreciate the Examiner's continued consideration of the present Application. The present Amendment and Response is an effort to overcome the rejections cited in the Non-Final Office Action mailed November 26, 2008.

SUMMARY OF EXAMINER INTERVIEWS

Applicants' attorney thanks the Examiner for taking the time to conduct an Examiner's Interviews of March 11, 2009, as well as the follow-up interview with Applicants attorney on March 30, 2009. Each of the discussions centered on identifying additional aspects of the invention that could define patentable subject matter, including: a) positions of the articulating work platform support assembly or structure, and in particular the positions of one or more of the joists in relation to one or more of the hubs (e.g., "first" and "second" positions); and b) subject matter relating to connection of a hub and joist, for example as shown in Figs. 5 and 6A-B, in a freely rotatable manner. While no agreement was reached in either of the telephonic interviews, the Examiner indicated that these aspects, if included, separately and/or in combination with one or more claims, could potentially lead to a determination of patentability of one or more of the pending claims.

Claim Rejections Under 35 U.S.C. §102(b) and 35 U.S.C. §103(a):

Claims 2, 4-9, 11, 13-20, 22-24, 26, 28-48 and 53-55 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,244,152 to Harper. Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harper in view of U.S. Patent No. 5,771,655 to Strickland. Similarly, Claims 10, 21 and 49-52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harper in view of U.S. Patent No. 748,962 to Lewis, and claims 56-62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harper.

Claims 26, 45, 49, 51, 57, 61-62 have been cancelled. Thus, the rejection of these claims is now moot.

Claims 28-29, 46-48, 52 and 56 have been amended to depend, directly or indirectly, from newly added claim 63, and so the rejection of these claims is also believed to be moot.

Independent Claims

In addition, Independent Claims 11, 23, 24, 30, 34, 38, 40, 43, and 58 have been amended consistent with the issues noted above and discussed in the Examiner Interviews. Specifically, these claims have been amended to include the following language: *wherein at least one of the joists is connected with at least one of the hubs using a pin such that the at least one joist and at the least one hub are freely rotatable about the pin.* Accordingly, these claims, as amended, are believed to define patentable subject matter. Support for this recitation is believed to be found in the application as filed, for example at Figures 6A and/or 6B, along with corresponding specification description, for example, at paragraphs [103-106] of U.S. Patent Publication 2005/0217936. As such, no new matter is believed to have been added.

Dependent Claims

Claims 2-10, 13-22, and 53 depend at least indirectly from Claim 11. Claims 31-33 and 54 depend at least indirectly, from Claim 30. Claims 35-37 depend at least indirectly from Claim 34. Claim 39 depends from Claim 38. Claims 41-42, and 55 depend at least indirectly from Claim 40 and Claim 44 depends from Claim 43. Claims that depend from allowable claims are themselves allowable and, as such, these dependent claims are believed to define patentable subject matter.

The remaining dependent claims noted above which currently stand rejected depend, directly or indirectly, from the independent claims that have been amended as noted. As such, they are allowable for at least the reasons noted above and for reasons indicated in the previous Office Action responses (as already noted).

Applicants note that the above-referenced amendments (to the independent and/or dependent claims) are provided to expedite prosecution and these amendments are believed to be consistent with the discussions noted above in the Summary of Examiner Interviews. The Applicants do not concede rationales and/or arguments advanced previously (e.g., in an earlier-filed response) and which may still be applicable to any currently pending claim(s). As such, Applicants reserve the right to raise previously made arguments and/or rationales if necessary at a later date, including but not limited to one or more future continuation applications.

Additional Amendments

Claims 23, 58 and 60 have been amended. Specifically, the terms "hub mechanism" and "joist mechanism" have been amended to read "hub" or "joist", respectively. The plural forms of these terms in each of these claims has been similarly amended. No new matter has been added and these amendments are merely made for clarity and consistency.

Newly-Added Claims

Claims 63-78 have been added. Support for these claims is believed to be found in the Application as filed. These claims are believed to define patentable subject matter for at least the reasons discussed during the Examiner Interviews and, and possibly other reasons, as noted above. For example, Claim 63 includes the recitation: "articulating the additional hub and the additional joists from a first position in which at least one of the joists of the additional work platform system module is at least substantially parallel to the joist of the first work platform system module to second position in which at least one of the joists of the additional work platform system module is at least substantially perpendicular to the joist of the first work platform system module, to provide an additional work platform support system module." Claim 74 includes the recitation: "wherein at least one of the joists is connected with at least one of the hubs using a pin such that the at least one joist and at the least one hub are freely rotatable about the pin." The remaining newly-added claims depend from independent Claims 63 or 74, respectively, and therefore are allowable for at least any reasons in support of the patentability of these independent claims.

Applicants kindly request speedy and favorable consideration, and allowance, of these newly-added claims.

Conclusion

A complete listing of the claims is now present in response to the Non-Final Office Action mailed November 26, 2008.

The Applicants believe that this amendment, and the above comments, puts the application in condition for allowance.

A two-month extension of time is believed to be due for the filing of this Amendment and Response to Non-Final Office Action. Please charge the two-month extension fee of \$245.00 to Deposit Account No. 23-2053. Any required petition should be considered provisionally made.

Respectfully submitted,



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Dated: April 24, 2009

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